

Anniston, Alabama

September 17, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B of the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, September 17, 2019, at approximately 5:32 o'clock p.m.

Shane Denham, Police Chief, prayed the Invocation.

Shane Denham, Police Chief, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper, absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the September 3, 2019 Regular Meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the September 3, 2019 minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of a motion to suspend the rule requiring the City Council to meet on the third Tuesday of October 2019, and to schedule a City Council meeting for Tuesday, October 22, 2019, at 5:30 p.m. in the City Council Chambers. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the agenda was adopted.

Mayor Draper presented Resolution 19-R-191:

RESOLUTION NO. 19-R-191

A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES INCURRED WHILE TRAVELING AWAY FROM THE CITY

BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

a. \$256.90 to Nick Bowles, Police, for reimbursement while traveling to AACOP Conference Gulf Shores from July 28 – August 1, 2019.

b. \$92.54 to John Valieant, HPC, for reimbursement while traveling to ISA's Planning for Sign code Success in Birmingham, AL on July 26, 2019.

PASSED AND ADOPTED this 17th day of September, 2019

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/ Jay W. Jenkins, Council Member
By:/s/ David E. Reddick, Council Member
By:/s/ Benjamin L. Little, Council Member
By:/s/ Mille Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-191, A Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the City. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-191 was passed and adopted.

Mayor Draper presented Resolution 19-R-192:

RESOLUTION NO. 19-R-192

A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2020

WHEREAS, the Code of Alabama 1975 title 45, Chapter 8A-Article 2 provides for the process, review, and adoption of an annual budget; and

WHEREAS, a public hearing on the proposed FY 2020 Annual Budget was held on September 3, 2019;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, as follows:

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the Budget for the City of Anniston, Alabama for the Fiscal Year 2020.

Section 2. That the City Manager and the City Clerk shall certify the same as being the Budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said Budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons. PASSED AND ADOPTED this 17th day of September 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/ Jay W. Jenkins, Council Member
By:/s/ David E. Reddick, Council Member
By:/s/ Benjamin L. Little, Council Member
By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption and Resolution 19-R-192, A Resolution adopting the Budget for Fiscal Year 2020. The motion was seconded by Council Member Reddick.

Council Member Little stated that he is going to vote yes for the budget but no for the public relations position. He stated that he is going to vote yes for the budget, in the spirit of cooperation and opportunity, and there are opportunities in the budget that will help West Anniston, South Anniston, and Anniston in general.

Mayor Draper thanked staff for their hard work on the budget and the council for working well together to pass amendments to the budget. He stated that this is a document and that he pleased with what they have done.

Council Member Reddick stated that this has been two years in a row where they have had a good budget cycle and that he was glad that they were able to work together on this.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-192 was passed and adopted.

Bruce Downey, City Attorney, presented and read Resolution 19-R-193:

RESOLUTION NO. 19-R-193

RESOLUTION AUTHORIZING AMENDMENT TO CITY OF ANNISTON AGREEMENT WITH BFI WASTE SERVICES, LLC D/B/A REPUBLIC SERVICES OF ANNISTON

WHEREAS, on the 20th day of September, 2016, the City of Anniston entered into contract with BFI Waste Services, LLC, D/B/A Republic Services of Anniston to provide solid waste collection services to the City; and

WHEREAS, according to the terms of that contract it may be renewed for an additional three (3) year period beyond the September 30, 2019 expiration date; and

WHEREAS, the City has determined that the public interest would be served by an extension of the contract for an additional three (3) year term commencing October 1, 2019; and

WHEREAS, the City authorizes the negotiation of an option to extend the contract upon mutual agreement of the parties for such terms as the parties may agree upon (collectively, the "Extended Term"); and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, Alabama as follows:

Section 1. That the Mayor, be and he is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute a renewal of the solid waste collection services agreement with BFI Waste Services, LLC, D/B/A Republic Services of Anniston and to negotiate an option to extend the agreement which may be contained therein.

Section 2. That the City Clerk, be and she is hereby directed to attest to the Mayor's execution of said contract and affix the seal of the City thereto.

PASSED AND ADOPTED this the 17th day of September 2019.
CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-193, a Resolution authorizing amendment to the City of Anniston agreement with BFI Waste Services, LLC d/b/a Republic Services of Anniston. The motion was seconded by Council Member Harris.

Council Member Reddick made a motion to table Resolution 19-R-193 until the council receives requested information from the Alabama League of Municipalities that this is legal. The motion was seconded by Council Member Little, and on call of the roll the following vote was recorded: ayes: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion to table failed.

Council Member Reddick stated that the City had ample time, at the request of a member of the council, to check a legal proceeding to make sure what they are doing is above board. He stated that this is a fair request that was made.

Council Member Harris stated that the City attorney has researched the issues thoroughly and has an attorney general's opinion and it is very clear that they are in their legal realm to go ahead with the contract. She stated that the attorney general's opinion would take precedent over any opinion that the league would have.

Council Member Little stated that this has been talked about before and they had an attorney at that time that said it was okay to do it. He stated that he just left a league meeting and the league is not giving their opinion on something, but utilizing the law. He stated that the last time this was bid was 2008 and he has no problem with Republic Waste but this contract needs to be rebid, as required by law.

Mayor Draper stated that they can rely on the opinion of the attorney general, and that protects them legally. He stated that they are not protected legally by the opinion from the League of Municipalities and that he is confident that this has been researched thoroughly.

Council Member Little stated that he does not want to get it confused but he does not need an opinion from the League but a statutory law from League that states what the City Attorney says is okay.

Council Member Reddick stated that he thinks it is interesting how this work. He stated that he remembers asking for something before and he had an attorney general's opinion and the council decided that wasn't good enough so it didn't stand.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; abstentions: Council Member Reddick; nays: Council Member Little. The motion carried and Resolution 19-R-193 was passed and adopted.

Bruce Downey, City Attorney, presented Resolution 19-R-194:

RESOLUTION NO. 19-R-194

RESOLUTION ADOPTING TRANSPORTATION PLAN PURSUANT TO THE REBUILD ALABAMA ACT

WHEREAS, the Alabama legislature in Act No. 2019-2 adopted the Rebuild Alabama Act, which utilizes an increase in the gas tax to fund transportation projects in the State of Alabama;

WHEREAS, the Rebuild Alabama Act provides for an allocation among the municipalities of the state to be used for transportation infrastructure, improvement, preservation, and maintenance;

WHEREAS, the Act provides that the municipal governing body of the City of Anniston shall adopt an annual transportation plan, which shall provide a detailed list of projects for which expenditures are intended to be made in the next fiscal year;

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston hereby passes this Resolution as its Transportation Plan submitted in compliance with the Rebuild Alabama Act, No 2019-2.

Section 2. Pursuant to the Act, the City Council of the City of Anniston estimates that its allocation from the Rebuild Alabama Act fund for the first fiscal year will be \$100,000, with increasing allocations for each fiscal year thereafter.

Section 3. Pursuant to the Act, the City anticipates expending the funds received to fund any of the following listed projects: a. To fund maintenance, improvements, replacements, and construction of roads and bridges as funds allow. b. To fund required matching amounts for road and bridge projects as funds allow. c. To fund bond payments or debt repayment for road or bridge projects as funds allow.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED on this the 17th day of September, 2019.
CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/ Jay Jenkins, Council Member
By:/s/ David Reddick, Council Member
By:/s/ Ben Little, Council Member
By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-194, a Resolution adopting Transportation Plan Pursuant to the Rebuild Alabama Act. The motion as seconded by Council Member Reddick.

Council Member Little stated that he thinks it is good and when it comes in they will be able to do some things with it.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-194 was passed and adopted.

Mayor Draper made a motion to suspend the rule requiring the City Council to meet on the third Tuesday of October, 2019 and to schedule a City Council meeting for Tuesday, October 22, 2019, at 5:30 p.m. in the City Council Chambers. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Richard Jackson, 2317 Noble Street, addressed the council on appearance does matter. He stated that they need to make a conscience effort to include others who do not look like them.

Mary Golden, 1631 Pine Ave, addressed the council on the first Nehemiah Project, which was centered on Prayer and Unity. She thanked Mr. Folks, Parks and Recreation, Fire, Police and everyone who helped on a great job.

Glen Ray, 3514 Dale Hollow Rd, addressed the council on the mistreatment of citizens in Anniston particularly those who are poor.

Emma Fantroy, 2530 Paul St., addressed the council on having the same rights as others in Anniston. She stated that they need to stop making everything a black and white issue.

Council Member Jenkins had no comment.

Council Member Reddick stated that they had a Nehemiah day at Zinn Park and it was a great opportunity for the churches and the leadership to come together. He thanked Mr. Folks, Frazier Burroughs and city staff for all the work they did. He stated that on November 2, 2019, he is doing a 5k race fundraiser, Jamaican-me Run, for Anniston High School and Wiggins Center Track Team, to raise money to help the teams compete and go on trips.

Council Member Little stated that he met with some people interested in doing something on 15th street due to the discussion of the Dr. Satcher Institute. He stated that they met with Clay Dorsey and they had a good tent meeting. He stated that he hopes they can push some dirt this year on getting things going.

Council Member Harris stated that she wanted to thank Kent Maddox, for opening his church as an expression of unity to give Pastor Leonard's daughter a sendoff, who he lost in a car wreck.

Mayor Draper thanked everyone for coming out and staying engaged.

Mayor Draper made a motion to hold an executive session for discussion with the city's attorney of the legal ramifications and legal options for pending litigation. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the city council adjourned into executive session at approximately 6:16 p.m.